

**CITY OF WEST DES MOINES  
DEVELOPMENT AND PLANNING  
CITY COUNCIL SUBCOMMITTEE MEETING  
City Hall Training Room**

Monday, March 20, 2017

**Attending:**

Council Member John Mickelson  
Council Member Jim Sandager  
City Attorney Richard Scieszinski  
City Manager Tom Hadden  
Assistant City Attorney Greta Truman  
Principal Engineer Ben McAlister  
Communications Specialist Lucinda Stephenson

Development Director Lynne Twedt  
Development Coordinator Linda Schemmel  
Chief Building Official Rod Van Genderen  
Planner Brad Munford  
Planner Brian Portz  
Planner Kara Tragesser

**Guests:**

Jeremy Christiani  
Eloise Sahlstrom

**Item # 3 – Potential Ashworth Road Land Uses**

Steve Fink, Fink Enterprises  
Curt Johnson, Commercial Midwest

**Item #1 – Trader Joe's Bollards by Conference Call**

Eric Beaman, Senior Design Associate  
Don Strach, Director of Construction

The meeting of the Development and Planning City Council Subcommittee was called to order at 8:00 a.m.

**1. Trader Joe's Bollards (Conference Call)**

Director Twedt stated that representatives of Trader Joe's have requested permission to install concrete bollards in the front of their store for safety reasons. Staff is not in support of the typical concrete look of the proposed columns and suggested that reinforced planters be used instead. The applicant has requested an opportunity to discuss allowing the standard bollard with subcommittee members.

Mr. Strach stated that Trader Joe's has experienced a rash of cars being driven through their stores. Thus, he wanted the committee members to realize the urgency for having barriers and that the installation of bollards were for protection purposes. Mr. Strach expressed concern that the suggested planters would not be able to stop a vehicle, but after reviewing the brochures provided by staff, he realized that a few of the proposed planters were substantial and may be sufficient for their needs.

Mr. Beaman commented that the planters may take up more space than the bollards, but that Trader Joe's was interested in being a good neighbor and working with the City while also being proactive regarding safety.

Council Member Mickelson expressed that he understood the safety concern, and that he would feel terrible if protections were not allowed and there was an accident. He expressed that he thought the planter concept would accomplish all the objectives by protecting those in the store while still taking into consider aesthetics. Council Member Mickelson continued that this was a good solution for Kum & Go, and remarked that Kum & Go had exacting design standards.

Director Twedt reminded the applicant that a 48 inch clearance would be needed for ADA compliance.

Mr. Strach stated that he would ensure ADA compliance, determine what would be allowed by the shopping center, and review the brochure and options with staff.

*Direction: City Council Members were supportive of Staff's position on bollards. The applicant is willing to consider planters as a safety option and will work with staff to continue researching options.*

## 2. Exactions Policy

City Attorney Scieszinski stated that staff had been working on an exaction policy for a long time trying to determine what should be required of a developer when there is development. Mr. Scieszinski mentioned that two Supreme Court cases have stated that there had to be a relationship between the impacts of a development on what was being asked for, and that what was being asked for had to be proportional to that impact. A policy has been drafted which includes different scenarios that may be encountered. This document has been reviewed by City departments, especially Engineering and Development Services. Mr. Scieszinski continued that impact fees are not allowed in Iowa, but such a fee would make it easier for the developer to pay for their fair share of the identified impacts. He expressed that it was very difficult to try and have the developer contribute his share of what was being impacted without asking for too much. Impacts are apparent when there is a new subdivision as infrastructure has to be constructed, but it is a more difficult process when conducting off-site exactions which are not easy to understand and quantify, especially when there is no relationship between the development and the exactions being asked for.

Code requirements are another encountered difficulty which needs to be taken into consideration since whenever there is a subdivision or an entitlement from the City, properties need to be brought up to Code. This is not expressly stated but a nexus has to show that when a property is brought up to Code, there is a relationship between the nexus and the impacts of the development. Often when simply trying to bring a property up to Code standards, the developer may not be creating any more need or impact than had been there before. Mr. Scieszinski reiterated that a nexus has to be shown and gone through the same analysis showing that what was being asked for was proportional to the impacts created by the development.

City Attorney Scieszinski summarized by stating that this policy basically runs through a scenario of the subdivision ordinances for the off-site improvements and for bringing a site up to Code. He also pointed out that in order for the City to ask a developer for an exaction, the burden is on the City, and not the developer, to show that there was a nexus for the exaction and that it was proportional. It was suggested that the recommending department provide the analysis indicating that there was a nexus and was roughly proportional to what was being developed and demonstrated an impact to City infrastructure. If this cannot be accomplished, then the City cannot ask for compensation.

Council Member Mickelson asked what would happen when a development could not show the need for a whole lane, but City engineers wanted a whole lane. Would the developer pay for half and the City pay for the other half. Mr. Scieszinski stated that the City could do this, but could not take money at the time if the lane was not ready to be constructed. If there were impact fees, the City could take 50% of the cost of the construction which could be banked until construction. Mr. Scieszinski continued that there is actually no mechanism to collect money unless through a petition and waiver which would have to be done on a case-by-case basis.

Council Member Sandager asked if there was a half lane that generated traffic and the City wanted to install a full lane, would the City have to construct at the time and would the developer pay for half the lane; or if the City waited and did not construct at the time, would the City have to pay for the full lane at a later date. Mr. Scieszinski explained that the City does not have the ability to collect money for construction at a later date.

Council Member Sandager questioned the "last-in benefit." He gave the example of the Village of Ponderosa which increased density and required more park land dedication which had already been met for the area. At that time, Council Member Sandager stated that he suggested that public art be contributed as park land dedication. The developer was willing to contribute the art to create and enhance the environment. City Attorney Scieszinski stated that if both sides were agreeable, it should not have been an issue to accept art. Council Member Sandager continued that he had asked if public art could fill the requirement for parkland dedication and be considered an amenity, and he was informed that it could not. Thus, when not required, the developer did not have the obligation to provide the art. It was not a question of mutual agreement, but if public art could be considered a substitute use. City Council Member Sandager requested that this issue be addressed to allow public art as park land dedication. Mr. Scieszinski replied that this would need to be addressed by Park Director Ortgies.

Council Member Sandager asked about developments with private streets. Often developers want the City to take over the maintenance of a street so that homeowner association dues would not have to be paid. These streets are usually substandard and the developers are told that to bring a street into the City, the street had to be brought up to current City standards. Council Member Sandager asked if this new policy would change this practice. Mr. Scieszinski stated that the exaction policy would not change this policy as the developer never initially met City specifications.

Council Member Sandager continued by discussing the taking of right-of-way. Mr. Scieszinski informed the committee that if there was no additional impact to a roadway nor increase in traffic from a development, but that the City needed the right-of-way for a wider street, the City would be required to pay for the widening.

The Council Members requested additional time to review the Exactions Policy document. City Attorney Scieszinski stated that he would send the Council Members the final version as additional information has been added to the document regarding process.

*Direction: The final draft Exactions Policy will be sent to the Council Members for addition review and brought back to the next Subcommittee meeting.*

### **3. Potential Ashworth Road Land Uses**

Director Twedt expressed that City planning staff is in the beginning stages of updating the Comprehensive Land Use designations. When appraisers proceed with right-of-way and temporary easement acquisition to accommodate the pending widening of Ashworth Road, they should be aware of the most current considerations on land uses if they are different from the adopted Plan. Committee members were provided the current adopted Comprehensive Plan Land Use map and proposed revision versions #1 and #2. Director Twedt walked through the main changes in land uses elaborating on the proposed changes noting that the recommended changes have not been provided outside the planning department. She noted that the commercial areas designated in the land use maps are anticipated to be Community Commercial districts that would be serving nearby residential and the high density areas located along the interstate. Staff would like to proceed with changing land uses consistent with option #1. Option #2 changes the land uses west of 88<sup>th</sup> Street and would only be a possibility if there was an Ashworth Road interchange on I-80.

Council Member Sandager asked what was included in Community Commercial. Director Twedt responded that they are more of the small box retail stores and service oriented businesses meant to serve the neighborhood.

Ms. Twedt pointed out where there would possibly be an interchange on Ashworth Road which may support the proposed additional commercial land in option #2. She did note that the additional parcel that could change to commercial would be problematic for access as only a right-in/right-out access could be gained off the arterial roads and full access would be from the road that would potentially funnel through the adjacent residential areas.

Council Member Mickelson stated that Mr. Burt, property owner to the east, was anxious to have the right-of-way negotiations for the widening of Ashworth Road continue and the valuation determined. He would not want protracted legal negotiations.

Director Twedt stated that with the proposed designation changes, negotiations would be based on what the land uses may actually be. City Attorney Scieszinski expressed that currently the City and Mr. Burt are far apart on the negotiated price. Mr. Burt does not want to go to condemnation, but this might be the only resolution going forward.

Director Twedt asked if the Council Members were comfortable with the proposed concepts noting that the traffic and sanitary sewer impacts to the area had not yet been studied.

*Direction: City Council members were supportive of the land use concepts in option #1 as provided by staff.*

#### **4. Allowance of Single Family Homes In Valley Junction Historic Business (VJHB) District**

Director Twedt provided a map of the current single family residential located in the 300 to 500 blocks of Valley Junction, as well as the single family residential railroad corridors to the east and west. She expressed that staff has received requests, especially in the 500 block, to change designations back from commercial to single family homes or to make improvements to their single family home. This becomes difficult as they are considered legal non-conforming properties as VJHB zoning allows residential only on the second floor of a commercial building. Staff noted that the 500 block had been zoned Commercial for over 20 years yet still remains primarily residential in nature. At the last subcommittee meeting, it was talked about extending VJHB zoning along Railroad Avenue across the existing mix of residential and commercial properties.

Council Member Mickelson asked if Director Twedt was talking about the 500 block to the north converting back to houses. Ms. Twedt stated that some of these properties have been bought with the intention of taking them back to single family not realizing that it would not be allowed. This change would not really affect the 100 and 200 blocks of 5<sup>th</sup> street that do not have the true single family buildings, but would relate to the single family homes surrounding those blocks, some that have commercial uses in all or part of the building. Thus, most of the problems occur with owners or buyers wanting to convert houses back to residential and not the businesses wanting to convert to residential.

Development Coordinator Schemmel interjected that an example would be that buyers when moving in had the full intent of having a business, but then determined they could not afford the property taxes after the county changed their taxes to commercial.

City Council Member Sandager asked if Jim Miller from the Historic Valley Junction Foundation had been contacted. Ms. Twedt informed him that an email had been sent to Mike Hoffman of Teska Associates, who had conducted the Historic West Des Moines Master Plan study, to determine if he had any concerns with allowing single family uses as permitted in these homes. To date, no response had been received from Mr. Hoffman. Staff will contact Jim Miller to determine if he had concerns. It was noted that it was not uncommon to have residential located in mixed use districts adjacent to or bordered on both sides by non-residential uses.

Director Twedt confirmed that a single family home would not be precluded from reverting back to commercial. Council Member Sandager was in favor of allowing Single Family homes as it would provide more flexibility for the buyer.

*Direction: City Council members were supportive of changing code to allow Single Family Homes in the VJHB District.*

#### **5. Upcoming Projects – A map was provided with a brief description of each.**

- a. Roadway Name Change: Rename recently a dead-end segment of Wendover Road to Johnson Court (MISC-003406-2017) Director Twedt noted with the construction of a new section of Wendover Road, there could not be two Wendover Roads on the same grid; thus, the name change to Johnson Court. It was noted that this may be temporary if the area redevelops.
- b. Della Vita Townhomes (NW corner of 88<sup>th</sup> Street & EP True Parkway): Construction of 54 townhomes and associated streets and buffers (SP-003407-2017). Planner Portz pointed out the associated access streets noting that this would be the first phase of the development. Elevations were provided noting that garages will be street side and the fronts as shown will face internal. The road will act as an alley. Director Twedt provided that it would be similar to that of the Jordan Heights development.
- c. Village of Ponderosa: Vacation of PUEs within/adjacent to lots 30-33 (Plat 1) and lots 6-7 (Plat 3) (VAC-003404-2017). Located at the SE corner of Village View Drive and S. Crescent and Market Streets and Stagecoach Drive. Planner Portz stated that this request is related to the construction of the 130 unit active adult residential building and the construction of the 4 market rate multi-tenant residential buildings.

- d. All State Industrial (480 S 18<sup>th</sup> Street): Replat property to adjust property boundaries and construct a 60,000sf office/warehouse/manufacturing building with associated site improvements with a potential 25,000 sf second phase building addition (PP-003400-2017/SP-003401-2017).
- e. Glen Oaks Plat 4 (1152, 1160, 1168, 1176 Glen Oaks Drive): Replat lots to adjust lot lines to align with attached townhome dwelling units within each building (FP-003403-2017). Planner Tragesser noted that there were four lots with two twin houses and that the lot lines do not currently go through the house on the common wall. This will be fixed this during the final platting.
- f. The Foundry Vacation of Easements (111 S. 11<sup>th</sup> St): Vacation of Ingress-Egress Easement (VAC-003412-2017) This request has been through staff review and involves access to the lots south of The Foundry.
- g. Jordan Creek Professional Plaza (1121 Jordan Creek Parkway behind Culvers): Subdivide property into two lots and construction of 14,500sf building (PP-003410-2017/SP-003409-2017). The current building on site would come down.

## **6. Minor Modifications**

- a. WDM Incubator (318 5<sup>th</sup> Street): Garage remodel (MML1-003408-2017)
- b. Kum & Go Lighting (5901 Mills Civic Parkway & 220 50<sup>th</sup> Street): Add LED lighting to fuel canopy (MML1-003415-2017/MML1-003417-2017)
- c. Public Safety Station # 18 (5025 Grand Avenue): Exterior improvements to roof, windows, and site (MML2-003418-2017)

## **7. Other Matters**

No other matters were discussed.

The meeting adjourned at 8:50 a.m. The next regularly scheduled Development and Planning City Council Subcommittee is April 3, 2017.

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Lynne Twedt, Development Services Director

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Kim Taylor, Recording Secretary